IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2307 OF 1991

Manoj Chandrakant Sheth, .. Petitioner.
Vs
1.Union of India and ors. .. Respondents

Mr R.A.Shah with Mr N.C.Shah i/b M/s Mansukhlal Hiralal & Co. for the petitioner.
M/s Malvi Ranchhoddas & Co. for respondent no.2 (absent)
Mr.P.M.Patil, AGP for respondent no.3.
Mr D.A.Dube, for respondent no.1.
Mr N.V.Walawalkar for respondent no.5 (absent)

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.
DATE : APRIL 03, 2006.
PC:

1. This petition filed under Articles 226 and 227 of the Constitution, has assailed an order dated 21.2.1991 passed by the Addl.District Magistrate, Raigad and the subsequent order dated 7.5.1991 passed by the Indian Oil Corporation issuing show cause notice.

2. It appears that the Sub-Divisional Officer passed an order on 9.10.1992 regarding the residential status of the petitioner and the said order has been challenged in Appeal No.1 of 1993 before the Collector, Raigad. It is further stated by the learned counsel for the petitioner that the Collector, by his order dated 30.5.1993, was pleased to stay the order dated 9.10.1992 which has been challenged in the appeal.

3. The learned counsel for the petitioner, therefore, stated that the basic issue regarding the residential

status of the petitioner is a subject-matter of the pending appeal before the Collector and, therefore, he has instructions to withdraw the petition and continue with the appeal which could not be decided on account of the pendency of the instant petition.

4. The petition is disposed off, as withdrawn and the Collector, Raigad is directed to decide Appeal No.1 of 1993 as expeditiously as possible and preferably within a period of three months from today. No order of protection in this petition is necessary, save and except the interim orders that have been passed by the Collector in the pending appeal. Rule discharged. No costs.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE,J.)**